

VILLAGE OF ALMONT

ORDINANCE NO. 159.8

AMENDMENT TO ALMONT VILLAGE ZONING ORDINANCE

TELEVISION, RADIO AND MICROWAVE TOWERS

An ordinance to amend the Almont Village Zoning Ordinance, being Ordinance No. 159, to amend Section 3.28 Television, Radio and Microwave Towers.

THE VILLAGE OF ALMONT ORDAINS:

The Almont Village Zoning ordinance 159, Section 3.28 is hereby amended to provide as follows:

AUTHORIZATION: Changing technology in the field of communications has resulted in the use of more versatile convenient forms of communication. Businesses, individuals and government have all found it advantageous to have the ability to quickly contact others. The use of radios and cellular phones have proven useful in emergency situations. However, any communication tower erected and/or located, pursuant to the following provisions, is not a utility or essential service.

PURPOSE: The policy reasons for the following provisions are to conserve the value of land and buildings affected; to minimize the visual impact of any towers erected and/or located within the village; and to minimize the number of towers needed.

4. Communication towers, including transmission towers, digital communication towers, relay and/or receiving antennas, and accessory facilities involved in television, radio, microwave, cable systems, cellular, digital/personal communication and similar communication services and facilities, may be allowed as special land uses in the Commercial (C), Industrial (I) districts, and village owned property, only in conformance with the following site and developmental requirements:

- A. The applicant shall submit a written statement and technical verification regarding the nature of any transmissions emitted from the facility. The applicant shall submit a written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided.

- B. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower.
- C. The tower or antenna shall not be unreasonably injurious to the safety, aesthetics, or market value of nearby properties.
- D. All towers and related equipment shall be designed to be compatible and harmonious in terms of style and building materials to the surrounding area. When necessary to insure compatibility with the surrounding area, a visual simulation may be required of the applicant. A visual simulation consists of an artist's or architect's rendering of how the tower will appear in the area proposed, taking into account existing buildings and natural features. The development of any such facility, together with accessory uses, shall be in such a location, size and character as to be compatible with the orderly development of the zoning district in which it is situated and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas of the community at-large.
- E. Monopole antenna structures shall be encouraged in all areas where technologically feasible. "Web" or "lattice" type towers shall be prohibited, unless absolutely necessary for structural reasons.
- F. All towers and related equipment shall be built and/or located on property owned by the Village of Almont, if feasible.
- G. In the event that an application is submitted to place a tower on property owned by the Village, it shall be submitted directly to the Village Council for approval.
- H. In no event shall any tower be located within one (1) mile of any existing tower in order to encourage co-location.
- I. A minimum site of point seven five (.75) acre and one hundred twenty five (125') feet of road frontage is required.
- J. The base of the tower and wire cable supports shall be fenced with minimum five (5') foot high cyclone fence; a gate that shall be kept locked when not in use; and said base and supports shall be screened from view.
- K. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Village Engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with Village Engineering review.

- L. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30') feet. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
- M. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
- N. All bufferyard requirements within the zoning ordinance shall be met.
- O. All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
- P. The plans of the tower construction shall be certified by a registered structural engineer.
- Q. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- R. All towers must meet the standards of the Federal Aviation Administration and the Federal Communication Commission.
- S. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30') feet of a property line. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
- T. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- U. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- V. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- W. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') above the ground at all points, unless buried underground.
- X. Towers shall be located so that they do not interfere with reception in nearby residential areas.

- Y. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- Z. The base of the tower shall occupy no more than five hundred (500) square feet.
- AA. Height of the tower shall not exceed two hundred (200') feet from grade within a Commercial district and three hundred (300') feet from grade within an Industrial district.
- BB. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- CC. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- DD. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes
- EE. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- FF. Structures shall be subject to any federal regulations concerning nonionizing electromagnetic radiation. If more restrictive federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Village Council. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- GG. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- HH. All parking and drive areas must be paved as provided in this ordinance.
- II. Where the property adjoins any residentially zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5') feet on twenty (20') foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10') feet to any structure.
- JJ. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Village, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. In this regard, an applicant seeking to establish a new communications tower or antenna shall be required to provide information regarding the feasibility of co-location at existing sites. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.

KK. Co-location shall be deemed to be "feasible" for the purposes of this Section, where all of the following are met:

- (1) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
- (2) The co-location being considered is technologically reasonable, i.e., the co-locations will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- (3) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- (4) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.

LL. In furtherance of the Village's objective of strongly encouraging co-location, where feasible, should it be necessary to erect a new tower or antenna, the applicant shall provide a letter indicating willingness to lease excess space on a facility and commit itself to:

- (1) respond to any requests for information from another potential shared use applicant;
- (2) negotiate in good faith and allow for leased shared use, provided it can be demonstrated that it is technically practicable; and _____
- (3) make no more than a reasonable charge, based upon fair market value, for a shared use lease.

MM. A condition of every approval of a communication tower shall be adequate provision for the removal of all of the facility by users and owners upon the determination that it has not been used for 180 days or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Building Official.

NN. To insure proper removal of the tower when it is abandoned, any application for a new tower shall include a description of security to be posted at the time of receiving a building permit for the facility. In this regard, the security shall, at the election of the applicant, be in the form of: 1) cash bond of forty thousand dollars (\$40,000); 2) irrevocable bank letter of credit of forty thousand dollars (\$40,000) for the term of lease; or 3) an agreement in a form approved by the Village Attorney and recordable at the Office of the Register of Deeds, establishing the obligation of the applicant and the owner of the property to remove the facility in a timely manner, with the further provision that the applicant and

owner shall be responsible for the payment of any costs and attorney fees incurred by the Village in securing removal.

OO. Communication towers, including support structure and antennae, shall not be permitted in any zoning district, unless prior to construction, the applicant, petitioner, or person or company responsible for constructing and installing such facilities agrees in writing to hold the Village harmless against any claims as a result of permitting such facilities. Such agreement shall require the Village be provided with proof of insurance naming the Village as an additional insured against all claims, which may result during the construction of said communication tower facilities and all times such facilities are in place.

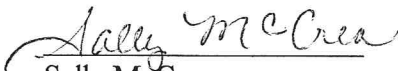
PP. The required application fee shall be set by the Village Council.

Punishment for the violation of a Village ordinance shall not exceed a fine of \$500.00 or imprisonment for ninety (90) days, or both, in discretion of the court.

The undersigned President and Clerk of the Village of Almont hereby certify that this Amendatory Ordinance was adopted at a meeting of the Village Council held on the 16th day of June, 1998, and was published in the Tri-City Times on the 24th day of June, 1998. The ordinance was made effective as of said date of publication.



Steve Schneider
President



Sally McCrea
Clerk/Treasurer